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TECH CENTER 1600/2900
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HEROUX et al.

Atty. Ref.: 2528-2

Appln. No. 09/023,483

Group Art Unit: 1656-1637

Filed: February 13, 1998

Examiner: J. Tung

FOR: ASSAY METHODS FOR NUCLEIC ACID IN A SAMPLE

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PRELIMINARY AMENDMENT

May 15, 2002

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the pending Office Action (Paper No. 17) mailed November 16, 2002, 2001, entry and consideration of the following amendments and remarks are respectfully requested.

IN THE CLAIMS

Kindly enter the following claims.

1. (3x Amended) A method for determining total nucleic acid in a sample, which comprises:

- a) mixing at least one random primer at least 4 nucleotides in length, having at least one detectable species with a sample which may contain nucleic acid,
- b) adding at least one nucleotide triphosphate having at least one binding species and optionally at least one second nucleotide triphosphate,
- c) adding at least one nucleic acid polymerase,
- d) incubating the mixture of step c), under conditions which allow said at least one nucleic acid polymerase to be active,
- e) contacting the mixture of step d) with at least one solid phase,